

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Gerold Centeno,

4 Petitioner

5 v.

6 Bean, *et al.*,

7 Respondents

Case No.: 2:23-cv-02130-APG-EJY

**Order Instructing Petitioner to File an IFP
Application or Pay Filing Fee**

[ECF No. 1]

8 *Pro se* Petitioner Gerold Centeno has not properly commenced this habeas action by
9 either paying the standard \$5.00 filing fee or filing a complete application for leave to proceed *in*
10 *forma pauperis* (“IFP”). He submitted a Petition for Writ of Habeas Corpus (ECF No. 1-1)
11 under 28 U.S.C. § 2254, but he did not pay the \$5 filing fee or submit a complete IFP
12 application.


13 Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00
14 filing fee is required to initiate a habeas action in a federal district court. The court may
15 authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she
16 submits an IFP application on the approved form and includes three specific documents: (a) the
17 prisoner’s financial declaration and acknowledgement showing an inability to prepay fees and
18 costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a
19 copy of the prisoner’s account statement for the six-month period prior to filing. 28 U.S.C.
20 § 1915(a); LSR 1-1, LSR 1-2.

21 Petitioner will have 45 days from the date of this order to either pay the \$5 filing fee or
22 submit a complete IFP application with all required documentation.

23 I THEREFORE ORDER:

- 1 1. The initial screening of Petitioner's Petition for Writ of Habeas Corpus (ECF No. 1-1)
2 under the Rules Governing Section 2254 Cases is deferred to until such time as he has
3 fully complied with this order.
- 4 2. The Clerk of Court is instructed to send Petitioner a blank form IFP application for
5 inmates, instructions for the same, and a courtesy copy of this order. The Clerk of Court
6 shall retain, but not file at this time, the petition for writ of habeas corpus (ECF No. 1-1).
- 7 3. **Within 45 days of the date of this order**, Petitioner must file an IFP application that
8 includes a: (a) financial certificate signed by Petitioner and an authorized prison official,
9 (b) financial declaration and acknowledgement signed by Petitioner, and (c) copy of
10 Petitioner's inmate account statement for the six-month period prior to filing.
11 Alternatively, Petitioner must pay the \$5 filing fee within 45 days. If Petitioner decides
12 to pay the filing fee from his inmate account, he must arrange to have a copy of this order
13 attached to the check for the filing fee.
- 14 4. Petitioner's failure to comply with this order within 45 days by (a) submitting a complete
15 IFP application, or (b) paying the filing fee will result in the dismissal of this action
16 without prejudice and without further advance notice.

17 DATED this 8th day of January, 2024.

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20 ANDREW P. GORDON
21 UNITED STATES DISTRICT JUDGE
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